

SENATE BILL 388

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2003 Regular Session
3lr0151
CF 3lr0152

By: **The President (By Request - Administration) and Senators Greenip, Stone, Brinkley, Colburn, Hafer, Giannetti, Haines, Harris, Hooper, Jacobs, Kittleman, Mooney, Munson, Pipkin, Schrader, and Stoltzfus**

Introduced and read first time: January 31, 2003

Rules suspended

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Charter School Act of 2003**

3 FOR the purpose of establishing certain public school chartering authorities;
4 establishing the rights and duties of the public school chartering authorities;
5 enabling the public school chartering authorities to grant charters for public
6 charter schools; establishing the entities that may or may not apply for a
7 charter; establishing an application process for charter schools; permitting
8 existing public schools to convert to public charter schools under certain
9 circumstances; allowing for the establishment of new public charter schools;
10 establishing an appeals process for applicants who have been denied a charter;
11 requiring certain charter agreements between the public charter schools and the
12 county boards; establishing certain rights and duties of public charter schools;
13 establishing an admissions policy for public charter schools; prohibiting the
14 charging of tuition and certain fees at public charter schools; authorizing the
15 State Board or the county boards to grant public charter schools certain waivers
16 under certain circumstances; requiring the State Board and the county boards to
17 designate certain funds for students who attend public charter schools;
18 requiring certain employees at public charter schools to possess appropriate
19 Maryland certification or qualified alternative certification; requiring the
20 Department of Education to conduct certain assessments of public charter
21 schools; requiring public charter schools to submit certain reports; authorizing
22 negotiations between the public charter schools and the county boards;
23 guaranteeing certain rights for employees of public charter schools; establishing
24 a general grievance and appeals process for certain persons; requiring the
25 county boards to grant initial charters for up to a certain number of years;
26 exempting public charter schools from certain local and State laws and
27 regulations; providing that the county boards may renew charters for
28 subsequent periods for up to a certain number of years; establishing the
29 conditions for the revocation of the charters, as well as an appeals process;
30 permitting county boards to recover certain property from former public charter
31 schools; providing for certain transportation responsibilities, the length of school
32 days, attendance, withdrawal and discipline of students, and complaint

1 procedures relating to public charter schools; requiring the State Board to
2 submit an evaluation and report concerning public charter schools by a certain
3 date; defining certain terms; and generally relating to the establishment of
4 public charter schools in the State.

5 BY repealing and reenacting, without amendments,
6 Article - Education
7 Section 1-101(d), (e), (f), and (l)
8 Annotated Code of Maryland
9 (2001 Replacement Volume and 2002 Supplement)

10 BY adding to
11 Article - Education
12 Section 9-101 through 9-115, inclusive, to be under the new title "Title 9. Public
13 Charter School Program"
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Education**

19 1-101.

20 (d) "County board" means the board of education of a county and includes the
21 Baltimore City Board of School Commissioners.

22 (e) (1) "County superintendent" means the county superintendent of schools
23 of a county.

24 (2) "County superintendent" includes the Chief Executive Officer of the
25 Baltimore City Board of School Commissioners and the Chief Executive Officer of the
26 New Prince George's County Board of Education.

27 (f) "Department" means the State Department of Education.

28 (l) "State Board" means the State Board of Education.

29 **TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.**

30 9-101.

31 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

32 (B) "APPLICANT" MEANS A PERSON OR ENTITY THAT APPLIES FOR A CHARTER,
33 INCLUDING:

- 1 (1) AN INDIVIDUAL OR GROUP OF INDIVIDUALS;
- 2 (2) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;
- 3 (3) AN EXISTING PUBLIC SCHOOL;
- 4 (4) A NONPROFIT CORPORATION; OR
- 5 (5) ANY COMBINATION OF PERSONS OR ENTITIES SPECIFIED IN ITEMS
- 6 (1) THROUGH (4) OF THIS PARAGRAPH.

7 (C) "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC ELEMENTARY OR
8 SECONDARY SCHOOL THAT:

- 9 (1) IS CREATED IN ACCORDANCE WITH § 9-104 OF THIS SUBTITLE;
- 10 (2) IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN
- 11 EXISTING PUBLIC SCHOOL UNDER THIS TITLE;
- 12 (3) IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;
- 13 (4) HAS A SET OF EDUCATIONAL GOALS ON WHICH THE APPLICANT AND
- 14 THE PUBLIC SCHOOL CHARTERING AUTHORITY AGREE;
- 15 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
- 16 EDUCATION, OR BOTH;
- 17 (6) IS NONSECTARIAN AND NONRELIGIOUS IN ITS EDUCATIONAL
- 18 PROGRAM, ADMISSIONS POLICIES, EMPLOYMENT POLICIES, AND OPERATIONS;
- 19 (7) IS TUITION-FREE;
- 20 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING
- 21 DISCRIMINATION;
- 22 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY
- 23 LAWS;
- 24 (10) IS EXEMPT FROM ALL PROVISIONS OF THIS ARTICLE, AND ALL LOCAL
- 25 SCHOOL DISTRICT LAWS OR REGULATIONS, EXCEPT AS SPECIFIED IN THIS TITLE,
- 26 ALTHOUGH IT MAY CHOOSE TO COMPLY WITH ONE OR MORE PROVISIONS;
- 27 (11) IS NOT EXEMPT FROM ANY FEDERAL LAWS OR REGULATIONS
- 28 APPLICABLE TO PUBLIC SCHOOLS IN THE STATE;
- 29 (12) MAY CONSIST OF A NEW SCHOOL OR ANY PORTION OF AN EXISTING
- 30 PUBLIC SCHOOL; AND
- 31 (13) MAY BE LOCATED IN PART OF AN EXISTING PUBLIC SCHOOL
- 32 BUILDING, IN A PRIVATE BUILDING, IN A PUBLIC BUILDING, OR ANY OTHER
- 33 SUITABLE LOCATION.

1 (D) "CHARTER" MEANS A CONTRACT BETWEEN AN APPLICANT AND A PUBLIC
2 SCHOOL CHARTERING AUTHORITY AND SHALL INCLUDE ALL AGREEMENTS
3 BETWEEN THE PUBLIC CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING
4 AUTHORITY THAT MAY BE AMENDED ONLY BY WRITTEN MUTUAL AGREEMENT,
5 INCLUDING:

6 (1) MATTERS RELATING TO THE OPERATION OF THE SCHOOL,
7 INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE
8 RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION
9 OF GIFTS AND GRANTS;

10 (2) AUDIT REQUIREMENTS;

11 (3) A PERFORMANCE AGREEMENT REQUIRING THAT THE ACADEMIC
12 ACHIEVEMENT OF THE STUDENTS ENROLLED AT A PUBLIC CHARTER SCHOOL BE
13 MEASURED ACCORDING TO:

14 (I) STATE AND FEDERAL TESTING ASSESSMENTS REQUIRED FOR
15 OTHER PUBLIC SCHOOLS; AND

16 (II) OTHER ASSESSMENTS MUTUALLY AGREED TO BY THE PUBLIC
17 CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING AUTHORITY; AND

18 (4) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE
19 IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE
20 IMPLEMENTED.

21 (E) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS ONE OF THE
22 FOLLOWING:

23 (1) THE STATE BOARD;

24 (2) A COUNTY BOARD OF THE COUNTY IN WHICH THE PROPOSED PUBLIC
25 CHARTER SCHOOL IS LOCATED;

26 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

27 (4) ANY OTHER ENTITY DESIGNATED BY THE STATE BOARD AS A PUBLIC
28 SCHOOL CHARTERING AUTHORITY.

29 9-102.

30 THE GENERAL ASSEMBLY FINDS THAT CHARTER SCHOOLS, AS PART OF THE
31 PROGRAM OF PUBLIC EDUCATION OFFERED IN THE STATE CAN:

32 (1) PROVIDE INNOVATIVE AND AUTONOMOUS LEARNING PROGRAMS;

33 (2) OFFER PUBLIC SCHOOL STUDENTS APPROPRIATE AND INNOVATIVE
34 CHOICES;

35 (3) AFFORD VARIED OPPORTUNITIES FOR PROFESSIONAL EDUCATORS;

1 (4) ALLOW PUBLIC SCHOOLS FREEDOM AND FLEXIBILITY IN EXCHANGE
2 FOR EXCEPTIONAL LEVELS OF ACCOUNTABILITY; AND

3 (5) PROVIDE PARENTS, STUDENTS, COMMUNITY MEMBERS, AND LOCAL
4 ENTITIES WITH AN EXPANDED OPPORTUNITY FOR INVOLVEMENT IN THE PUBLIC
5 SCHOOL SYSTEM.

6 9-103.

7 (A) A PUBLIC SCHOOL CHARTERING AUTHORITY:

8 (1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER
9 SCHOOLS;

10 (2) SHALL DISSEMINATE INFORMATION CONCERNING THE
11 ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS;

12 (3) MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

13 (I) A PRIVATE SCHOOL;

14 (II) A PAROCHIAL SCHOOL; OR

15 (III) A HOME SCHOOL; AND

16 (4) MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A
17 PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS AND ESTABLISH A DATE BY
18 WHICH A REMEDIAL PLAN MUST BE IMPLEMENTED:

19 (I) IF THE SCHOOL HAS NOT FULFILLED A CONDITION IMPOSED
20 BY THE PUBLIC SCHOOL CHARTERING AUTHORITY IN CONNECTION WITH THE
21 GRANTING OF THE CHARTER;

22 (II) IF THE SCHOOL HAS MATERIALLY VIOLATED A CONDITION,
23 STANDARD, OR PROCEDURE OF THE CHARTER;

24 (III) IF THE SCHOOL HAS VIOLATED ANY REGULATION ADOPTED
25 UNDER THIS TITLE, OR OF ANY OTHER LAW THAT RELATES TO A PUBLIC CHARTER
26 SCHOOL;

27 (IV) IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED
28 STANDARDS OF FISCAL MANAGEMENT;

29 (V) IF THE SCHOOL FAILS TO MEET THE STUDENT ACADEMIC
30 PERFORMANCE REQUIREMENTS CONTAINED IN THE CHARTER; OR

31 (VI) IF TWO-THIRDS OF THE FACULTY AND INSTRUCTIONAL
32 SUPPORT PERSONNEL AT THE SCHOOL REQUEST THAT THE CHARTER BE REVOKED.

33 (B) (1) IF THE REMEDIAL PLAN IS SUCCESSFUL, THE PUBLIC SCHOOL
34 CHARTERING AUTHORITY:

1 (I) MAY RENEW THE CHARTER FOR ANOTHER 5-YEAR PERIOD; OR

2 (II) REEVALUATE THE CHARTER AFTER AT LEAST 1 YEAR BUT NOT
3 MORE THAN 2 YEARS UNDER THE REMEDIAL PLAN, FOR RENEWAL FOR A 5-YEAR
4 PERIOD.

5 (2) IF THE REMEDIAL PLAN IS UNSUCCESSFUL, THE PUBLIC SCHOOL
6 CHARTERING AUTHORITY MAY REVOKE THE CHARTER, AFTER FIRST GIVING THE
7 CHARTER SCHOOL NOTICE IN WRITING 90 DAYS BEFORE REVOCATION.

8 (3) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY REVOKES THE
9 CHARTER, THE REMAINING FUNDS ALLOCATED BY THE STATE BOARD OR COUNTY
10 BOARD FOR THE ENROLLED STUDENTS SHALL REVERT TO THE BOARD THAT
11 DISBURSED THE FUNDS TO THE PUBLIC CHARTER SCHOOL.

12 (4) (I) THE PUBLIC CHARTER SCHOOL MAY APPEAL IN WRITING THE
13 REVOCATION TO THE STATE BOARD WITHIN 30 DAYS OF THE PUBLIC SCHOOL
14 CHARTERING AUTHORITY'S DECISION, AND MUST SEND A COPY OF ITS APPEAL TO
15 THE PUBLIC SCHOOL CHARTERING AUTHORITY AT THE SAME TIME.

16 (II) ANY RESPONSE FROM THE PUBLIC SCHOOL CHARTERING
17 AUTHORITY SHALL BE SUBMITTED IN WRITING TO THE STATE BOARD WITHIN 15
18 DAYS AFTER NOTIFICATION OF THE APPEAL.

19 (III) THE STATE BOARD HAS 60 DAYS FROM THE TIME IT RECEIVES
20 THE APPLICANT'S APPEAL TO REJECT OR ACCEPT THE DECISION OF THE PUBLIC
21 SCHOOL CHARTERING AUTHORITY.

22 (C) AFTER THE FIRST 5 YEARS OF THE CHARTER, THE PUBLIC SCHOOL
23 CHARTERING AUTHORITY SHALL CONDUCT AN EVALUATION OF THE CHARTER BY
24 WHICH IT SHALL:

25 (1) APPROVE THE CHARTER FOR ANOTHER 5-YEAR PERIOD;

26 (2) PLACE THE PUBLIC CHARTER SCHOOL ON PROBATION IF ANY OF
27 THE CONDITIONS LISTED UNDER PARAGRAPH (A)(4) OF THIS SUBSECTION OCCUR; OR

28 (3) REVOKE THE CHARTER AND DISSOLVE IT UNDER THE PROVISIONS
29 OF LAW.

30 (D) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL BE
31 RESPONSIBLE FOR OVERSIGHT OF THE PUBLIC CHARTER SCHOOL.

32 (2) EACH PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL
33 REPORT TO:

34 (I) THE PUBLIC SCHOOL CHARTERING AUTHORITY; AND

35 (II) EACH PARENT OR GUARDIAN OF THE PUBLIC CHARTER
36 SCHOOL'S ENROLLED STUDENTS.

1 (3) THE ANNUAL REPORT SHALL INCLUDE AT LEAST THE FOLLOWING
2 COMPONENTS:

3 (I) DISCUSSION OF PROGRESS MADE TOWARD THE ACHIEVEMENT
4 OF THE GOALS SET FORTH IN THE CHARTER; AND

5 (II) A FINANCIAL STATEMENT SETTING FORTH BY APPROPRIATE
6 CATEGORIES EXPENDITURES FOR THE SCHOOL YEAR JUST ENDED.

7 (E) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY CONDUCT A
8 FINANCIAL, PROGRAMMATIC, OR COMPLIANCE AUDIT OF A PUBLIC CHARTER
9 SCHOOL.

10 9-104.

11 (A) A PUBLIC SCHOOL CHARTERING AUTHORITY SHALL PUBLISH AN
12 APPLICATION PROCESS FOR AN APPLICANT TO FOLLOW WHEN APPLYING FOR A
13 CHARTER TO ESTABLISH A PUBLIC CHARTER SCHOOL.

14 (B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

15 (1) IDENTIFICATION OF THE APPLICANT;

16 (2) A STATEMENT DEFINING THE MISSION, ORGANIZATIONAL
17 STRUCTURE, AND GOVERNANCE PLAN, INCLUDING THE FOLLOWING:

18 (I) MISSION STATEMENT OF THE PROPOSED PUBLIC CHARTER
19 SCHOOL;

20 (II) CURRICULUM AND INSTRUCTIONAL METHODS;

21 (III) METHODS OF PUPIL ASSESSMENT AND MOTIVATION;

22 (IV) NAME OF THE SCHOOL, WHICH MUST INCLUDE THE PHRASE
23 "PUBLIC CHARTER SCHOOL" IN ITS NAME;

24 (V) ADMISSIONS POLICY;

25 (VI) SCOPE, SIZE, GRADE LEVEL, AND ENROLLMENT OF THE
26 PROPOSED PUBLIC CHARTER SCHOOL;

27 (VII) BYLAWS AND REGULATIONS OF THE PROPOSED PUBLIC
28 CHARTER SCHOOL, INCLUDING EMPLOYMENT CONTRACT FOR PROSPECTIVE
29 EMPLOYEES;

30 (VIII) THE STRUCTURE OF THE GOVERNING BOARD, INCLUDING:

31 1. THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

32 2. THE METHOD OF APPOINTMENT OR ELECTION OF THE
33 MEMBERS;

- 1 (IX) THE EFFECTIVE DATE OF THE PUBLIC CHARTER SCHOOL; AND
2 (X) THE SPECIFIED NUMBER OF SCHOOL DAYS AND HOURS OF
3 OPERATION.
- 4 (C) IF THE APPLICATION IS DENIED BY A PUBLIC SCHOOL CHARTERING
5 AUTHORITY UNDER § 9-101(E)(2) OR (E)(3), THE APPLICANT MAY APPEAL THE
6 DECISION TO THE STATE BOARD IN THE MANNER PROVIDED UNDER § 9-107 OF THIS
7 TITLE.
- 8 (D) IF APPROVED, A CHARTER GRANTED BY THE PUBLIC SCHOOL
9 CHARTERING AUTHORITY SHALL BE VALID FOR 5 YEARS.
- 10 (E) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL DEVELOP
11 GUIDELINES AND RULES FOR THE RENEWAL OF A SCHOOL'S CHARTER, WHICH SHALL
12 INCLUDE AN EVALUATION OF:
- 13 (1) THE COSTS OF INSTRUCTION, ADMINISTRATION, AND
14 TRANSPORTATION INCURRED BY THE ENROLLMENT IN CHARTER SCHOOLS; AND
- 15 (2) THE EFFECT OF ENROLLMENT IN PUBLIC CHARTER SCHOOLS ON
16 SCHOOL DISTRICTS AND ON TEACHERS, STUDENTS, AND PARENTS IN THOSE
17 DISTRICTS.
- 18 (F) THE PUBLIC SCHOOL CHARTERING AUTHORITY'S GUIDELINES AND RULES
19 FOR RENEWAL OF A SCHOOL CHARTER MAY ALSO INCLUDE AN EVALUATION OF:
- 20 (1) STUDENT SCORES ON ASSESSMENT TESTS;
21 (2) STUDENT ATTENDANCE;
22 (3) STUDENT GRADES;
23 (4) INCIDENTS INVOLVING STUDENT DISCIPLINE;
24 (5) SOCIOECONOMIC DATA ON STUDENT FAMILIES;
25 (6) PARENT SATISFACTION WITH THE CHARTER SCHOOL; AND
26 (7) STUDENT SATISFACTION WITH THE CHARTER SCHOOL.
- 27 9-105.
- 28 (A) THERE SHALL BE NO LIMIT TO THE NUMBER OF PUBLIC CHARTER
29 SCHOOLS THAT MAY BE ESTABLISHED IN THE STATE.
- 30 (B) A PUBLIC SCHOOL CHARTERING AUTHORITY SHALL ADOPT REGULATIONS
31 NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING TIMELINES FOR CHARTER
32 SCHOOL APPLICATION AND APPROVAL.

1 (C) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL REVIEW THE
2 APPLICATION AND RENDER A DECISION WITHIN 60 DAYS OF RECEIPT OF THE
3 APPLICATION.

4 (2) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY DELAY
5 RENDERING A DECISION FOR AN ADDITIONAL 60 DAYS FOR CAUSE.

6 (3) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY USE THE
7 SERVICES OF A CONSULTANT IN THE EVALUATION OF THE APPLICATION.

8 (D) (1) AN EXISTING PUBLIC SCHOOL MAY CONVERT TO A PUBLIC CHARTER
9 SCHOOL.

10 (2) (I) THE STATE BOARD OR THE COUNTY BOARD SHALL DETERMINE
11 WHETHER TO ALLOW AN EXISTING PUBLIC SCHOOL TO CONVERT TO A PUBLIC
12 CHARTER SCHOOL.

13 (II) IF THE COUNTY BOARD IS THE PUBLIC SCHOOL CHARTERING
14 AUTHORITY, THE COUNTY BOARD SHALL DETERMINE WHETHER TO ALLOW AN
15 EXISTING PUBLIC SCHOOL TO CONVERT TO A PUBLIC CHARTER SCHOOL BY A
16 MAJORITY VOTE OF THE COUNTY BOARD.

17 (III) IF THE STATE BOARD OR AN ENTITY DESIGNATED BY THE
18 STATE BOARD IS THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE APPLICANT
19 REQUESTING THE CONVERSION OF AN EXISTING PUBLIC SCHOOL TO A PUBLIC
20 CHARTER SCHOOL MUST PROVIDE THE STATE BOARD OR DESIGNATED ENTITY WITH
21 A PETITION REQUESTING CONVERSION SIGNED BY A MAJORITY OF THE FACULTY OR
22 INSTRUCTIONAL STAFF OF THE EXISTING PUBLIC SCHOOL AND A MAJORITY OF THE
23 PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE EXISTING PUBLIC
24 SCHOOL.

25 (3) AN EMPLOYEE OF A PUBLIC SCHOOL CONVERTED TO A PUBLIC
26 CHARTER SCHOOL WHO IS NOT EMPLOYED BY THE PUBLIC CHARTER SCHOOL SHALL
27 BE ACCORDED THE RIGHTS AVAILABLE TO THE EMPLOYEE UNDER THE PROVISIONS
28 OF A COLLECTIVE BARGAINING AGREEMENT AND SHALL, TO THE EXTENT
29 PERMISSIBLE UNDER A COLLECTIVE BARGAINING AGREEMENT, BE GIVEN
30 PREFERENCE IN FILLING POSITIONS IN THE SCHOOL DISTRICT.

31 (4) AN EMPLOYEE OF A PUBLIC SCHOOL CONVERTED TO PUBLIC
32 CHARTER SCHOOL STATUS WHO IS EMPLOYED BY THE PUBLIC CHARTER SCHOOL
33 SHALL NOT REMAIN PART OF ANY COLLECTIVE BARGAINING UNIT THAT
34 REPRESENTED EMPLOYEES OF THE SCHOOL WHILE STILL PART OF THE SCHOOL
35 DISTRICT.

36 (5) AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC
37 CHARTER SCHOOL MAY CHOOSE TO RECEIVE THE SAME BENEFITS OF AN EMPLOYEE
38 AT A TRADITIONAL PUBLIC SCHOOL INCLUDING:

39 (I) RETIREMENT BENEFITS;

1 (II) HEALTH CARE BENEFITS; AND

2 (III) ANY OTHER BENEFITS MANDATED BY THE PUBLIC SCHOOL
3 CHARTERING AUTHORITY.

4 (6) (I) ANY TEACHER EMPLOYED BY THE COUNTY BOARD MAY
5 CHOOSE TO BE AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL AND SHALL HAVE THE
6 OPTION TO ORGANIZE A COLLECTIVE BARGAINING UNIT.

7 (II) A BARGAINING UNIT AT A PUBLIC CHARTER SCHOOL SHALL BE
8 SEPARATE FROM OTHER BARGAINING UNITS.

9 (III) A PUBLIC CHARTER SCHOOL TEACHER MAY NOT BE A MEMBER
10 OF MORE THAN ONE BARGAINING UNIT.

11 (IV) A TEACHER IN A PUBLIC CHARTER SCHOOL SHALL WITHDRAW
12 FROM ANY BARGAINING UNIT WITH WHICH THAT TEACHER MAY HAVE BEEN
13 PREVIOUSLY AFFILIATED.

14 (7) A CHARTER SCHOOL EMPLOYEE IN AN INSTRUCTIONAL POSITION
15 SHALL POSSESS:

16 (I) APPROPRIATE MARYLAND CERTIFICATION; OR

17 (II) QUALIFIED ALTERNATIVE CERTIFICATION.

18 (8) THE STATE BOARD SHALL ESTABLISH A QUALIFIED ALTERNATIVE
19 CERTIFICATION PROGRAM WHICH INCLUDES:

20 (I) ALTERNATIVE REQUIREMENTS OF CERTIFICATION AVAILABLE
21 FOR CANDIDATES AT ANY GRADE LEVEL AND IN ALL DISCIPLINES; AND

22 (II) ALLOWING A CANDIDATE, UNDER THE SUPERVISION OF A
23 MENTOR TEACHER, TO COMMENCE EMPLOYMENT AS A TEACHER HOLDING A
24 LIMITED STANDARD OF CERTIFICATION.

25 9-106.

26 (A) IF THE SCHOOL CAN DEMONSTRATE THAT THE WAIVER WILL ADVANCE
27 THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL, A PUBLIC CHARTER
28 SCHOOL SHALL RECEIVE A WAIVER OF:

29 (1) ANY OTHER STATE LAW OR REGULATION PERTAINING TO PUBLIC
30 EDUCATION NOT CONTAINED IN THIS ARTICLE; OR

31 (2) ANY LOCAL LAW OR REGULATION PERTAINING TO PUBLIC
32 EDUCATION.

33 (B) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE A WAIVER OF A
34 REGULATION OR REQUIREMENT PERTAINING TO THE CIVIL RIGHTS OR THE HEALTH
35 AND SAFETY OF A STUDENT OR EMPLOYEE.

1 9-107.

2 (A) (1) THE COUNTY BOARD SHALL RECEIVE AND REVIEW ALL
3 APPLICATIONS FOR A PUBLIC CHARTER SCHOOL IN ITS COUNTY.

4 (2) IF THE CHARTER IS DENIED, THE PUBLIC SCHOOL CHARTERING
5 AUTHORITY SHALL PROVIDE IN WRITING THE REASONS FOR THE DENIAL.

6 (3) (I) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY IS THE
7 COUNTY BOARD, A PUBLIC INSTITUTION OF HIGHER EDUCATION OR AN ENTITY
8 DESIGNATED BY THE STATE BOARD, THE APPLICANT MAY APPEAL THE DENIAL OF
9 THE APPLICATION OR THE IMPOSITION OF UNREASONABLE REQUIREMENTS OR
10 CONDITIONS TO THE STATE BOARD NO LATER THAN 30 CALENDAR DAYS AFTER THE
11 RECEIPT OF THE PUBLIC SCHOOL CHARTERING AUTHORITY'S DECISION.

12 (II) IN ADDITION TO THE REQUIREMENTS CONTAINED IN THIS
13 TITLE, THE STATE BOARD MAY ESTABLISH REGULATIONS DEFINING THE APPEAL
14 PROCESS CONSISTENT WITH THIS TITLE.

15 (4) ANY RESPONSE FROM THE PUBLIC SCHOOL CHARTERING
16 AUTHORITY SHALL BE SUBMITTED IN WRITING TO THE STATE BOARD WITHIN 15
17 DAYS AFTER NOTIFICATION OF THE APPEAL.

18 (5) THE STATE BOARD HAS 60 DAYS FROM THE TIME IT RECEIVES THE
19 APPLICANT'S APPEAL TO REJECT OR ACCEPT THE DECISION OF THE PUBLIC SCHOOL
20 CHARTERING AUTHORITY.

21 (6) THE STATE BOARD'S DECISION TO APPROVE OR DENY THE
22 APPLICATION IS FINAL AND BINDING, EXCEPT AS PROVIDED FOR IN PARAGRAPH (9)
23 OF THIS SUBSECTION.

24 (7) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY DENIES AN
25 APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL AND THE STATE BOARD
26 REVERSES THE DECISION, THE STATE BOARD SHALL BE THE PUBLIC SCHOOL
27 CHARTERING AUTHORITY.

28 (8) IF THE STATE BOARD IS THE PUBLIC SCHOOL CHARTERING
29 AUTHORITY, ITS DECISION ON THE APPLICATION FOR A CHARTER IS FINAL AND
30 BINDING, EXCEPT AS PROVIDED FOR IN PARAGRAPH (9) OF THIS SUBSECTION.

31 (9) AN APPLICANT THAT IS DENIED A CHARTER MAY REAPPLY FOR A
32 CHARTER TO ANY PUBLIC SCHOOL CHARTERING AUTHORITY AFTER 1 YEAR FROM
33 THE DECISION OF:

34 (I) THE COUNTY BOARD;

35 (II) THE STATE BOARD;

36 (III) A PUBLIC INSTITUTION OF HIGHER EDUCATION; OR

1 (IV) AN ENTITY DESIGNATED BY THE STATE BOARD.

2 9-108.

3 (A) (1) A PUBLIC CHARTER SCHOOL IS AN INDEPENDENT LEGAL ENTITY
4 THAT IS RESPONSIBLE FOR THE MANAGEMENT AND OPERATION OF ITS FISCAL
5 AFFAIRS INCLUDING, BUT NOT LIMITED TO, THE PREPARATION OF ITS OWN BUDGET.

6 (2) THE PUBLIC CHARTER SCHOOL HAS COMPLETE FISCAL CONTROL
7 OVER THE FUNDS RECEIVED BY THE PUBLIC CHARTER SCHOOL.

8 (B) A PUBLIC CHARTER SCHOOL CAN:

9 (1) SUE AND BE SUED IN ITS OWN NAME, AND ITS EMPLOYEES SHALL
10 ENJOY THE SAME IMMUNITIES AS EMPLOYEES AND OFFICERS OF PUBLIC SCHOOL
11 DISTRICTS AND OTHER PUBLIC SCHOOLS;

12 (2) ACQUIRE REAL AND PERSONAL PROPERTY OR AN INTEREST IN REAL
13 AND PERSONAL PROPERTY BY PURCHASE, GIFT, GRANT, DEVISE, OR BEQUEST;

14 (3) MANAGE THE IMPLEMENTATION OF ITS APPROVED EDUCATION
15 PROGRAM;

16 (4) RECEIVE AND DISBURSE FUNDS FOR PUBLIC CHARTER SCHOOL
17 PURPOSES; AND

18 (5) HIRE, MANAGE, AND TERMINATE ANY SCHOOL EMPLOYEE IN
19 ACCORDANCE WITH THE TERMS OF ITS PERSONNEL POLICIES OR ANY COLLECTIVE
20 BARGAINING AGREEMENT IT NEGOTIATES WITH ITS EMPLOYEES.

21 9-109.

22 (A) (1) A PUBLIC CHARTER SCHOOL MAY CHOOSE TO SPECIALIZE IN
23 PROVIDING SERVICES TO CHILDREN WHO ATTEND PUBLIC SCHOOLS THAT HAVE
24 BEEN DETERMINED BY THE COUNTY BOARD TO BE UNDERPERFORMING AND WHO
25 REQUEST TO TRANSFER TO A PUBLIC CHARTER SCHOOL IN THE LOCAL SCHOOL
26 DISTRICT.

27 (2) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL ESTABLISH A
28 PROCEDURE FOR THE SELECTION OF STUDENTS TO ATTEND THE SCHOOL BY THE
29 USE OF A LOTTERY OR ANY OTHER PROCESS DEEMED APPROPRIATE IF MORE
30 STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES
31 AVAILABLE.

32 (B) A PUBLIC CHARTER SCHOOL SHALL GIVE PRIORITY IN ENROLLMENT TO:

33 (1) A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL;

34 (2) IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC CHARTER
35 SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL
36 ATTENDANCE AREA AS IT IS DETERMINED BY THE COUNTY BOARD; AND

1 (3) IF THE SCHOOL IS ESTABLISHED IN WHOLE OR IN PART BY A PARENT
2 OR GUARDIAN OF A CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE
3 CHILD OF THAT PARENT OR GUARDIAN.

4 9-110.

5 (A) THE STATE BOARD OR A COUNTY BOARD MAY:

6 (1) LEASE OR SELL PROPERTY TO A PUBLIC CHARTER SCHOOL; OR

7 (2) LEASE SPACE WITHIN AN EXISTING PUBLIC SCHOOL FOR THE USE
8 BY THE PUBLIC CHARTER SCHOOL.

9 (B) A PUBLIC CHARTER SCHOOL MAY OBTAIN, LEASE, OR BUY PROPERTY FOR
10 THE SCHOOL.

11 (C) THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL:

12 (1) SHALL CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL
13 FACILITIES, UNLESS A WAIVER IS GRANTED BY THE STATE BOARD OR THE COUNTY
14 BOARD; BUT

15 (2) MAY NOT RECEIVE A WAIVER OF HEALTH OR SAFETY REGULATIONS.

16 9-111.

17 (A) (1) A COUNTY BOARD SHALL FUND STUDENTS ENROLLED IN A PUBLIC
18 CHARTER SCHOOL, REGARDLESS OF THE SPONSORSHIP, AT THE SAME RATE AS
19 STUDENTS ENROLLED IN OTHER PUBLIC SCHOOLS IN THE SCHOOL DISTRICT.

20 (2) THE AMOUNT PAID BY A COUNTY BOARD UNDER PARAGRAPH (1) OF
21 THIS SUBSECTION SHALL INCLUDE THE STATE SHARE OF BASIC CURRENT
22 EXPENSES, CALCULATED IN ACCORDANCE WITH § 5-202 OF THIS ARTICLE.

23 (3) A PUBLIC CHARTER SCHOOL MAY NEGOTIATE WITH A COUNTY
24 BOARD FOR ADDITIONAL FUNDING.

25 (B) THE STATE BOARD OR THE COUNTY BOARD MAY MAKE A GRANT TO A
26 PUBLIC CHARTER SCHOOL TO PAY FOR THE START-UP COSTS OF ACQUIRING
27 EDUCATIONAL MATERIALS AND SUPPLIES, TEXTBOOKS, FURNITURE, AND OTHER
28 EQUIPMENT NEEDED DURING THE INITIAL TERM.

29 (C) (1) A PUBLIC CHARTER SCHOOL SHALL RECEIVE COUNTY, STATE, AND
30 FEDERAL FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME
31 MANNER THAT THE OTHER PUBLIC SCHOOLS IN THE COUNTY RECEIVE THESE
32 FUNDS.

33 (2) STATE AND FEDERAL FUNDS SHALL BE DISBURSED DIRECTLY TO
34 THE PUBLIC CHARTER SCHOOL.

1 9-112.

2 (A) (1) THE SCHOOL DISTRICT SHALL BE RESPONSIBLE FOR THE
3 TRANSPORTATION OF THE STUDENTS TO AND FROM THE SCHOOL; OR

4 (2) SHALL PROVIDE PAYMENT EQUAL TO THE AVERAGE COST PER
5 STUDENT FOR TRANSPORTATION.

6 9-113.

7 (A) A PUBLIC CHARTER SCHOOL MAY PROVIDE A SCHOOL DAY THAT IS
8 LONGER THAN THE SCHOOL DAY IN OTHER PUBLIC SCHOOLS WITHIN THE DISTRICT.

9 (B) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE MINIMUM
10 REQUIREMENTS SET FORTH IN § 7-103 OF THIS ARTICLE FOR THE SCHOOL
11 CALENDAR.

12 9-114.

13 (A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO
14 ATTEND A PUBLIC CHARTER SCHOOL.

15 (B) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY
16 TIME.

17 (C) (1) A PRINCIPAL OF A PUBLIC CHARTER SCHOOL MAY SUSPEND A
18 STUDENT AT THE SCHOOL FOR CAUSE FOR NOT MORE THAN 10 CONSECUTIVE
19 SCHOOL DAYS.

20 (2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER
21 SCHOOL, THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY FOR CAUSE:

22 (I) SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A
23 PERIOD OF MORE THAN 10 CONSECUTIVE DAYS; OR

24 (II) EXPEL THE STUDENT FROM THE PUBLIC CHARTER SCHOOL.

25 (3) A STUDENT ENROLLED IN A PUBLIC CHARTER SCHOOL WHO HAS
26 BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 CONSECUTIVE
27 SCHOOL DAYS OR HAS BEEN EXPELLED MAY ENROLL IN A PUBLIC SCHOOL IN THE
28 COUNTY IN WHICH THE STUDENT RESIDES.

29 (4) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE
30 REMAINING FUNDS ALLOCATED BY THE STATE BOARD OR THE COUNTY BOARD FOR
31 THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE BOARD
32 THAT DISBURSED THE FUNDS TO THE PUBLIC CHARTER SCHOOL.

1 9-115.

2 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS
3 VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC
4 CHARTER SCHOOL.

5 (B) IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL
6 TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT
7 THE COMPLAINT TO THE PUBLIC SCHOOL CHARTERING AUTHORITY.

8 (C) (1) IF DISSATISFIED WITH THE PUBLIC SCHOOL CHARTERING
9 AUTHORITY DECISION, THE COMPLAINANT MAY APPEAL THE DECISION OF THE
10 PUBLIC SCHOOL CHARTERING AUTHORITY TO THE STATE BOARD.

11 (2) THE DECISION OF THE STATE BOARD ON AN APPEAL UNDER
12 PARAGRAPH (1) OF THIS SUBSECTION IS FINAL.

13 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
14 2006, based on information gathered from the county boards of education, the Board
15 of School Commissioners of Baltimore City, and the public, the State Board of
16 Education shall submit to the General Assembly, in accordance with § 2-1246 of the
17 State Government Article, a report on and an evaluation of the public charter school
18 program. The report shall include a recommendation on the advisability of the
19 continuation, modification, expansion, or termination of the program.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2003.